

Judge M. Weinstein

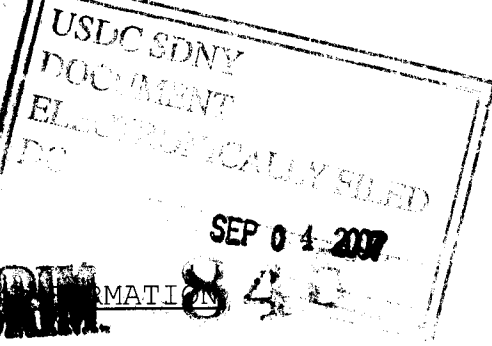
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

FRANK RODRIGUEZ,

Defendant.



07 CRIM INFORMATION 842
07 Cr.

COUNT ONE

The United States Attorney charges:

1. From at least on or about 1995 through at least on or about March 2004, in the Southern District of New York and elsewhere, FRANK RODRIGUEZ, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that FRANK RODRIGUEZ, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

OVERT ACT

3. In furtherance of the conspiracy and to effect the

illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere;

a. In or about 2004, two co-conspirators not named as defendants herein utilized two vehicles equipped with hidden compartments that were built and installed by FRANK RODRIGUEZ, the defendant, to transport kilograms of cocaine from Houston, Texas, to New York, New York, and Bronx, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION AS TO COUNT ONE

4. As a result of committing the controlled substance offense alleged in Count One of this Information, FRANK RODRIGUEZ, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds said defendant obtained directly or indirectly as a result of said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Information.

Substitute Assets Provision

5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;


(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

A handwritten signature in black ink, appearing to read "Michael J. Garcia", is written over a horizontal line.

MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

FRANK RODRIGUEZ

Defendant.

INFORMATION

07 Cr. ____ (AKH)

(21 U.S.C. § 846.)

MICHAEL J. GARCIA

United States Attorney.

9/4/07

Waiver & information filed.
Def't pres. w/ atty. Ronald J. Aiello; AUSA William Harrington
pres. Court. ~~at 9:30 a.m.~~ Tom Murray. Next PTC is set
for 10/3/07, time exclude until 10/3/07 @ 9:30 a.m.
Def't could on bail.

Hellerstein, J